

REMARKS

In response to the Office Action dated April 9, 2007, claims 1, 17 and 24-25 have been amended. Claims 1-25 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action rejected claims 1-5, 8-18 and 21-25 under 35 U.S.C. § 102(e) as allegedly being anticipated by White et al. (U.S. Patent No. 7,035,462). The Office Action rejected claims 6-7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over White et al.

The Applicant respectfully traverses these rejections based on the amendments to the claims and the arguments below.

Namely, the independent claims now include features that are not disclosed by the cited reference. For instance, independent claims 1 and 24 now include animatedly presenting the at least one candidate as a magnified view in a center of the display screen and animatedly updating the digital image as a user navigates to a different candidate red-eye region. In addition, claim 17 also includes a graphical rejection device configured as an X mark superimposed through a candidate red-eye region not accepted by the user. Support for these amendments can be found throughout the specification and at least in FIGS. 2-6 and paragraphs [0026] and [0030] of the Applicants' published patent application (U.S. Patent Publication No. 20050163498).

In contrast, White et al. merely disclose automatically detecting and correcting digital images with eye color defects, such as red-eye. Although White et al. disclose allowing a user to scroll through automatically detected and adjusted red eye color defects of a digital image and accept or reject the proposed adjustments, unlike the Applicants' claimed invention, White et al. do not disclose the Applicants' animatedly presenting the at least one candidate as a magnified view in a center of the display screen and animatedly updating the digital image as the user navigates to a different candidate red-eye region. Further, with regard to claim 17, clearly, White et al. do not disclose the Applicants' claimed graphical rejection device configured as an X mark superimposed through a candidate red-eye region not accepted by the user.

As such, since White et al. do not disclose all of the elements of the claimed invention, White et al. cannot anticipate the claims. Hence, the Applicants respectfully submit that the rejection under 35 U.S.C. 102 should be withdrawn.

With regard to the obviousness rejection of claims 6-7, the White et al. reference is still missing the Applicants' above argued newly amended features. Therefore, the White et al. reference does not disclose, teach or suggest all of the Applicants' claimed features. Hence, since the White et al. references is missing features of the Applicants' claimed invention, the White et al. reference cannot render the Applicants' invention obvious. This failure of the cited reference to disclose, suggest or provide motivation for the Applicants' claimed invention indicates a lack of a prima facie case of obviousness and, thus, the obviousness rejection should be withdrawn (MPEP 2143).

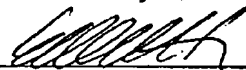
Last, with regard to the dependent claims, since they depend from the above-argued respective independent claims, they are therefore patentable on the same basis. (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly requests the Examiner to telephone the Applicant's attorney at (818) 885-1575.

Please note that all mail correspondence should continue to be directed to

Hewlett Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Respectfully submitted,
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Edmond A. DeFrank
Reg. No. 37,814
Attorney for Applicant
(818) 885-1575 TEL
(818) 885-5750 FAX